


I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
242-38 (LS)	William A. Parkinson	AN ACT TO <i>AMEND</i> §§ 2102, 2104, 2105, 2110, AND 2111 OF CHAPTER 21, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO REMOVING ANCESTRY-BASED VOTER RESTRICTIONS IN GUAM'S POLITICAL STATUS PLEBISCITE AND ENSURING COMPLIANCE WITH THE FIFTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.	12/5/25 1:01 p.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 242-38 (LS)

Introduced by:

William A. Parkinson 

AN ACT TO AMEND §§ 2102, 2104, 2105, 2110, AND 2111 OF CHAPTER 21, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO REMOVING ANCESTRY-BASED VOTER RESTRICTIONS IN GUAM'S POLITICAL STATUS PLEBISCITE AND ENSURING COMPLIANCE WITH THE FIFTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that a provision of Guam's political status plebiscite law limiting eligible voters to
4 "Native Inhabitants of Guam" has been adjudicated to violate the Fifteenth
5 Amendment of the U.S. Constitution. In *Davis v. Guam*, 932 F.3d 822 (9th Cir.
6 2019), the Ninth Circuit Court of Appeals held that the 2000 Plebiscite Law's
7 classification of "Native Inhabitants of Guam" was an unlawful proxy for race, and
8 that restricting the plebiscite franchise to that category of persons impermissibly
9 abridges the right to vote on account of race or ancestry. Consequently, Guam's
10 plebiscite voter limitation was deemed unconstitutional under the Fifteenth
11 Amendment, which broadly prohibits any jurisdiction from denying or abridging a
12 citizen's right to vote based on race or color. This finding makes it legally necessary
13 for Guam to amend its plebiscite statute in order to remove any ancestry-based
14 voting qualification and to uphold the supreme law of the land.

15 *I Liheslaturan Guåhan* further declares that while it acknowledges the binding
16 authority of the *Davis* decision, it takes no position of agreement with the court's

1 reasoning or conclusion. The Guam Legislature respects the rule of law and the
2 federal judiciary’s role in constitutional interpretation, and thus accepts that it must
3 act in compliance with the decision of the Ninth Circuit Court of Appeals. Nothing
4 in this Act shall be construed as an expression of consent to or contentment with the
5 outcome in *Davis v. Guam*; rather, this Act is a compelled response to enforce
6 constitutional requirements as interpreted by the courts. *I Liheslaturan Guåhan*
7 maintains that its duty is to faithfully execute the laws and Constitution of the United
8 States applicable to Guam, even in instances where the Legislature’s own policy
9 preferences or interpretations might differ.

10 *I Liheslaturan Guåhan* recognizes the unique historical and political status of
11 the CHamoru people (the indigenous people of Guam) and the longstanding
12 injustices they have endured under colonial administrations. The native inhabitants
13 of Guam, since the island’s earliest recorded history, have been subjected to
14 continuous control by foreign colonial powers. From Spanish rule (over two
15 centuries), to the transfer of sovereignty to the United States by the 1898 Treaty of
16 Paris, to occupation during World War II, the CHamoru people have often been
17 denied the full exercise of their inherent rights. The 1898 Treaty of Paris explicitly
18 provided that the civil and political rights of Guam’s inhabitants would be protected,
19 acknowledging that their collective right to political self-determination is
20 inalienable. In 1950, the United States Congress enacted the Organic Act of Guam,
21 conferring U.S. citizenship on the people of Guam. Yet even as U.S. citizens, the
22 indigenous CHamoru experienced policies of cultural suppression and political
23 disenfranchisement during the Naval Administration era and beyond – from
24 restrictions on land ownership to the US Navy’s historical ban on the Chamorro
25 language in schools and public offices. *I Liheslaturan Guåhan* finds that the
26 plebiscite for political status was originally conceived as a means to remedy, in part,

1 this legacy of colonization and to honor the desires of Guam’s first inhabitants for
2 self-determination in their homeland.

3 *I Liheslaturan Guåhan* additionally affirms the right of the CHamoru people
4 to self-determination as recognized by numerous international instruments and the
5 global community. Guam remains listed by the United Nations as a Non-Self-
6 Governing Territory, reflecting the international acknowledgement that the island’s
7 people have an enduring right to decide their political future. The United States, as
8 Guam’s administering power, has for decades reported on Guam’s status to the U.N.
9 and affirmed, through Article 73 of the U.N. Charter and U.N. General Assembly
10 Resolution 1514 (XV) of 1960, that all colonial peoples have the right to self-
11 governance and independence. United Nations Resolution 1541 (XV) (1960) further
12 clarifies the principles through which a territory can achieve a full measure of self-
13 government. International covenants such as the International Covenant on Civil and
14 Political Rights (ICCPR) also enshrine that “all peoples have the right of self-
15 determination” (ICCPR, Part I, Art. 1). More recently, the United Nations
16 Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007) has underscored
17 the rights of indigenous peoples – including the CHamoru – to self-determination,
18 autonomy, and freedom from discrimination in exercising these rights. *I*
19 *Liheslaturan Guåhan* hereby acknowledges these instruments and the moral and
20 legal imperatives they represent: that the aspirations of the CHamoru people to
21 determine their political status are rooted in principles of dignity and human rights
22 recognized around the world.

23 However, *I Liheslaturan Guåhan* also recognizes that Guam’s pursuit of
24 decolonization and CHamoru self-determination must proceed within the bounds of
25 the United States Constitution. The purpose of this Act is therefore to harmonize
26 Guam’s laws with constitutional requirements without abandoning our commitment
27 to the cause of decolonization. *I Liheslaturan Guåhan* reaffirms that the work of the

1 Commission on Decolonization and the broader movement for political status
2 change will continue unabated. The removal of ancestry-based voter restrictions by
3 this Act does not signify a retreat from advocating for the rights and political dignity
4 of the CHamoru people. Rather, it ensures that the quest for self-determination is
5 advanced in a manner that is legally sound and inclusive, so that any political status
6 plebiscite will reflect the free and fair participation of all eligible voters in Guam. It
7 is the intent of *I Liheslaturan Guåhan* to continue supporting the CHamoru people’s
8 pursuit of self-determination and remedies for historical injustices through means
9 that uphold democratic principles and constitutional protections. In doing so, Guam
10 will demonstrate that the cause of decolonization and indigenous rights can be
11 carried forward in a way that unites our community and respects the fundamental
12 right of every citizen to have an equal voice in the political process.

13 **Section 2.** § 2102 of Chapter 21, Title 1, Guam Code Annotated, is hereby
14 *amended* to read:

15 **“§ 2102. Definitions.**

16 (a) *Self-Determination.* Freedom of a people to determine the way in
17 which they shall be governed and whether or not they shall be
18 Self-governed.

19 (b) ~~‘Native Inhabitants of Guam’ shall mean those persons who~~
20 ~~became U.S. Citizens by virtue of the authority and enactment of the 1950~~
21 ~~Organic Act of Guam and descendants of those persons.~~ ‘Eligible Voter’ shall
22 mean any person who possesses the qualifications of a voter under Guam law
23 and is duly registered to vote in Guam.”

24 **Section 3.** § 2104 of Chapter 21, Title 1, Guam Code Annotated, is hereby
25 *amended* to read:

26 **“§ 2104. Creation and Membership on Commission.**

27 There is established a Commission on Decolonization for the

1 Implementation and Exercise of Guam Self-Determination ~~for the Native~~
2 ~~Inhabitants of Guam~~, which shall be composed of eleven (11) members,
3 including the Chairperson:

4 (a) *I Maga 'lahen Guåhan* shall serve as the Chairperson of the
5 Commission, and shall appoint two (2) members of the Commission;

6 (b) The chairperson of *I Liheslaturan Guåhan*'s committee with
7 responsibilities over Federal Affairs shall serve as the Vice
8 Chairperson of the Commission and shall serve as Chairperson in the
9 absence of the Chairperson; in the event the legislative committee
10 chairperson is *not* able to serve on the Commission, another member of
11 *I Liheslaturan Guåhan* shall be designated by a majority vote of *I*
12 *Liheslatura*.

13 (c) One (1) member shall be appointed by the Speaker of *I*
14 *Liheslaturan Guåhan*, who may appoint himself;

15 (d) One (1) member shall be selected by and shall be from *I*
16 *Liheslaturan Guåhan*'s minority;

17 (e) One (1) member shall be appointed by the Mayors Council
18 from among their membership;

19 (f) One (1) member shall represent the task force members who
20 are advocating the political status of Independence, to be appointed by
21 the Chairman of the task force, who may appoint himself;

22 (g) One (1) member shall represent the task force members who
23 are advocating the political status of Free Association, to be appointed
24 by the Chairman of the task force, who may appoint himself;

25 (h) One (1) member shall represent the task force members who
26 are advocating the political status of Statehood, to be appointed by the
27 Chairman of the task force, who may appoint himself; and

1 (i) One (1) member *shall* represent the youth of Guam, to be
2 appointed by the Speaker of the Youth Congress from among the
3 qualified members of the Congress, who may appoint himself.

4 No person shall be eligible to serve as a member of the Commission
5 *unless* that person shall be qualified to vote on the plebiscite for political self-
6 determination. Vacancies in the membership *shall* be filled in the same
7 manner as the original appointment.

8 Without being excused pursuant to a motion passed by the
9 Commission, any appointed member of the Commission who fails to attend
10 three (3) consecutive regularly scheduled meetings *shall* automatically be
11 disqualified to continue serving in his or her position and the appointing
12 authority *shall* then be required to appoint a replacement for said member.”

13 **Section 4.** § 2105 of Chapter 21, Title 1, Guam Code Annotated, is hereby
14 *amended* to read:

15 **“§ 2105. Function.**

16 The general purpose of the Commission on Decolonization shall be to
17 ascertain the intent of the people of Guam ~~Native Inhabitants of Guam~~ as to
18 their future political relationship with the United States of America. Once the
19 intent of the people of Guam ~~Native Inhabitants of Guam~~ is ascertained, the
20 Commission shall promptly transmit that desire to the President and the
21 Congress of the United States of America, and to the Secretary General of the
22 United Nations.”

23 **Section 5.** § 2110 of Chapter 21, Title 1, Guam Code Annotated, is
24 hereby *amended* to read:

25 **“§ 2110. Plebiscite Date and Voting Ballot.**

26 (a) The Guam Election Commission shall conduct a ‘Political Status
27 Plebiscite’, at which the following question, which shall be printed in both

1 English and *Chamorro*, shall be asked of the eligible voters:

2 In recognition of your right to self-determination, which of the
3 following political status options do you favor? (Mark ONLY ONE):

4 1. Independence – Complete separation from the United
5 States of America and the establishment of Guam as an
6 independent, sovereign nation. ()

7 2. ~~Free Association with the United States of America –~~
8 Establishment of Guam as a sovereign nation, in voluntary free
9 association with the United States of America under mutually
10 agreed terms of political relationship and cooperation. ()

11 3. Statehood – Integration of Guam into the United States
12 of America as a state, with the full rights and responsibilities
13 thereof. ().

14 Persons eligible to vote shall include ~~those persons designated as~~
15 ~~Native Inhabitants of Guam, as defined within this Chapter of the Guam~~
16 ~~Code Annotated,~~ all persons who are eighteen (18) years of age or older on
17 the date of the ‘Political Status Plebiscite’ and are registered voters on Guam.

18 The ‘Political Status Plebiscite’ mandated in Subsection (a) of this
19 Section shall be held on a date of the General Election at which seventy
20 percent (70%) of eligible voters, pursuant to this Chapter, have been
21 registered as determined by the Guam Election Commission.

22 **Section 6.** § 2111 of Chapter 21, Title 1, Guam Code Annotated, is
23 hereby *amended* to read:

24 “§ 2111. **Run-Off Plebiscite.**

25 If ~~one political status does not receive the majority votes cast in the~~
26 ~~above plebiscite~~ no political status option receives the majority of votes cast
27 in the Political Status Plebiscite, a run-off plebiscite shall be held ~~sixty (60)~~

1 ~~days from the date thereof~~ within sixty (60) days after the certification of the
2 results of the initial plebiscite, between the two (2) political status options
3 receiving the highest number of votes. The run-off plebiscite shall be
4 conducted in the same manner, and with the same pool of eligible voters, as
5 the initial Political Status Plebiscite.”

6 **Section 7. Effective Date.** This Act shall be effective upon enactment.

7 **Section 8. Severability.** If any provision of this Act or its application to any
8 person or circumstance is found to be invalid or inorganic, such invalidity shall not
9 affect other provisions or applications of this Act that can be given effect without
10 the invalid provision or application, and to this end the provisions of this Act are
11 severable.